

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Monroe Bernard Washington, a/k/a
Keith E. Washington,

Case No. 22-cv-811 (WMW/TNL)

Plaintiff,

REPORT AND RECOMMENDATION

v.

Minnesota Department of Corrections
Supervisory Officials, in their individual
capacities, et al.,

Defendants.

Plaintiff Monroe Bernard Washington is a prisoner of the Minnesota Department of Corrections who, at the time he commenced this action, had been transferred to Maryland for detention in a facility in that state. As a prisoner, Washington is required to pay the \$350.00 statutory filing fee for this action in installments over time, including an initial partial filing fee due at the outset of this action. *See* 28 U.S.C. § 1915(b). Washington did not submit the necessary financial documentation from which the initial partial filing fee owed under § 1915(b) could be calculated by the Court. Accordingly, in an order dated April 25, 2022, this Court directed Washington to submit the required documentation within 21 days, failing which it would be recommended that this matter be dismissed without prejudice for failure to prosecute. *See* ECF No. 5 (citing Fed. R. Civ. P. 41(b)).

That deadline has now passed, and Washington has not submitted the required financial documentation. In fact, Washington has not communicated with the Court

about this case at all since commencing this action.¹ Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

[Continued on next page.]

¹ All mail sent to Washington by the Court — including the prior order directing him to submit financial documentation from his prison trust account — has been returned to the Court as undeliverable, and the Court currently has no means through which to reach Washington, who has not supplied updated contact information. Nor do the publicly available inmate locators maintained by the States of Maryland or Minnesota, respectively, provide information regarding Washington's current whereabouts.

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,

IT IS HEREBY RECOMMENDED that this action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Date: June 9, 2022

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See Local Rule 72.2(b)(2).* All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).